IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 11503 of 2004(T)

PETITIONER:

VANARAJ, AGED 55, S/O. KAMASHY CHETTIYAR
SANKILY VILAS, SOORIANELLI POST, DEVIKULAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. CHINNAKKANAL GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
CHINNAKKANAL P.O., DEVIKULAM.

2. DIST. COLLECTOR, IDUKKI.

3. TAHSILDAR, NEDUMKANDOM.

BY ADV. SRI.K.JAJU BABU --- R1
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11503/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RECEIPT NO. 23 DT. 10/2/2004 TO THE PETITIONER BY R1.

EXT.P2. COPY OF THE RECEIPT NO.45 DT. 26/3/2003 TO THE PETITIONER BY THE R1.

EXT.P3. COPY OF THE PROCEEDINGS OF THE SPECIAL DEPUTY TAHSILDAR (CS), DEVIKULAM NO. LC. 235/97 DT. 19/12/97.

EXT.P4. COPY OF THE RECEIPT NO. 16 DT. 30/09/99 TO THE PETITIONER BY THE VILLAGE OFFICER.

EXT.P4A. COPY OF THE RECEIPT NO. 53 DT. 28/1/98 TO THE PETITIONER BY VILLAGE OFFICER.

EXT.P5. COPY OF THE CERTIFICATE NO. ACR 343/99/C5/15/10/99 TO THE PETITIONER BY THE R3.

EXT.P6. COPY OF THE PROCEEDINGS NO. F3. 502/72 DT. 15/07/72 OF THE R2.

EXT.P7. COPY OF THE EXTRACT TAKEN BY THE PETITIONER FOUND IN THE VILLAGE RECORD.

EXT.P8. COPY OF THE JUDGMENT DT. 22/10/2001 BY THIS COURT IN OP NO. 19294/2001.

EXT.P9. COPY OF THE JUDGMENT DT. 09/08/02 BY THIS COURT IN OP NO. 21306/2002.

EXT.P10. COPY OF THE CERTIFICATE NO. 1640/2002 DT. 17/4/02 BY THE R2.

EXT.P11. COPY OF THE PETITION DT. 27/3/04 BY THE PETITIONER BEFORE THE R2.

RESPONDENT'S EXHIBITS - NIL.

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.11503 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner approached this court apprehending eviction. On 1.4.2004, this court directed the first respondent not to evict the petitioner until a survey as per Ext.P9 judgment is conducted. There is also a direction that after such survey, the petitioner should be issued further notice, in case the petitioner is to be evicted. In case the survey has not been conducted, there will be a direction to the first respondent to conduct the survey as directed in the interim order, within two months from the date of receipt of a copy of the judgment and thereafter, the petitioner shall be issued notice, in case any further action is to be taken in the matter. Needless to say, the course referred to in Ext.P9 judgment will be followed. The Taluk Surveyor will render necessary assistance for completing the survey, as requested by the Panchayat.

KURIAN JOSEPH, JUDGE.

tgs